

Serial No. 09/911,591
Page 6 of 9

REMARKS

This response is intended as a full and complete response to the final Office Action mailed June 22, 2004. In the Office Action, the Examiner notes that claims 2-18 are pending, of which claims 14-18 are rejected and claims 2-13 are allowed. By this amendment claim 14 has been amended, and claims 2-13 and 15-18 continue unamended.

In view of both the amendments presented above and the following discussion, Applicants submit that none of the claims now pending in the application are non-enabling or obvious under the respective provisions of 35 U.S.C. §§112 and 103. Thus, Applicants believe that all of these claims are now in allowable form.

ALLOWABLE SUBJECT MATTER

Applicants thank the Examiner for the indication of allowability of claims 2-13 over the prior art of record.

REJECTIONS

35 U.S.C. §112

Claims 14-18

The Examiner has rejected claims 14-18 under 35 U.S.C. §112, ¶2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Examiner asserts that the claims are indefinite because the following language in claim 14 is not clear: "which server module has associated with it a including requested data."

Applicants have amended claim 14 to include inadvertently omitted language. Specifically, claim 14, recites in part:

"determining, which particular server module has associated with it a plurality of storage devices including requested data;"

In view of such amendment, Applicants respectfully submit that claim 14 is definite and patentable under the provisions of 35 U.S.C. §112, ¶2. Claims 15-18 are dependent upon claim 14, and in view of Applicants' amendment of claim 14 such

303319-1

Serial No. 09/911,591
Page 7 of 9

dependent claims are also definite and patentable under the provisions of 35 U.S.C. §112.

35 U.S.C. §103

Claims 14-18

The Examiner has rejected claims 14-18 as being obvious and unpatentable under the provisions of 35 U.S.C. §103(a). In particular, the Examiner has rejected claims 2-18 as being obvious over Kanai et al. (U.S. Patent 5,862,403, issued January 19, 1999, hereinafter "Kanai"). Applicants respectfully traverse the rejection.

The Applicants have amended claim 14 to include additional features the Applicants consider as being inventive. In particular, Applicants' independent claim 14 recites:

"A method for providing data to a plurality of clients, comprising:
routing each of a plurality of client data requests to any of a plurality of server modules, each of said server modules having associated with it at least one plurality of storage devices respectively coupled to at least one bi-directional loop, and a processor and a buffer adapted for controlling said at least one plurality of storage devices, each plurality of storage devices providing data to clients via a crossbar switch, each crossbar switch serving each of the server modules within a storage server;

determining, which particular server module has associated with it a plurality of storage devices including requested data;

routing, via at least one server controller associated with said particular server module, control instructions from a head-end to said particular server module; and

routing to each of said clients, respective requested data via said crossbar switch." (emphasis added).

The test under 35 U.S.C. §103 is not whether an improvement or a use set forth in a patent would have been obvious or non-obvious; rather the test is whether the claimed invention, considered as a whole, would have been obvious. Jones v. Hardy, 110 USPQ 1021, 1024 (Fed. Cir. 1984) (emphasis added). Moreover, the invention as a whole is not restricted to the specific subject matter claimed, but also embraces its properties and the problem it solves. In re Wright, 6 USPQ 2d 1959, 1961 (Fed. Cir. 1988) (emphasis added). The Kanai reference fails to teach or suggest the Applicants'

303319-1

Serial No. 09/911,591
Page 8 of 9

invention as a whole, since the Kanai reference fails to teach, disclose, motivate, or suggest "routing, via at least one server controller associated with said particular server module, control instructions from a head-end to said particular server module."

In particular, Kanai merely discloses a continuous data server apparatus incorporating a plurality of buffer memory units for storing the continuous data read out by the data memory control units and to be given to the communication control unit, at least one buffer memory unit being provided dedicatedly for each combination of one data memory control unit group formed by at least one data memory control unit and one communication control unit group formed by at least one communication control group." (see Kanai, Abstract, and col. 12, lines 11-68).

By contrast, the Applicants' invention provides at least one server controller 204 forming an interface between the server (i.e., the internal private network 206) and a head end public network (HEPN) 202. The public network carries command and control signaling for the storage server 110 (see Applicants' specification page 5 line 24 to page 6 line 16). Nowhere in the Kanai reference is there any teaching or suggestion of "routing, via at least one server controller associated with said particular server module, control instructions from a head-end to said particular server module."

Therefore, the Kanai reference fails to teach or suggest the Applicants' invention as a whole.

As such, Applicants submit that independent claim 14 is not obvious from the teachings of the prior art and fully satisfies the requirements of 35 U.S.C. §103. Furthermore, 15-18 depend from independent claim 14, and recite additional features thereof. As such and for at least the same reasons discussed above, the Applicants submit that these dependent claims are not obvious and fully satisfy the requirements of 35 U.S.C. §103.

303319-1

Serial No. 09/911,591
Page 9 of 9

CONCLUSION

Thus, Applicants submit that all of the claims presently in the application, are non-obvious under the provisions of 35 U.S.C. §103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall, Esq. or Steven Hertzberg, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: 9/21/04

EJW

Eamon J. Wall
Registration No. 39,414
Attorney for Applicants

MOSER, PATTERSON & SHERIDAN, LLP
595 Shrewsbury Avenue, Suite 100
Shrewsbury, New Jersey 07702
Telephone: 732-530-9404
Facsimile: 732-530-9808

303319-1